REMARKS

I. STATUS OF THE CLAIMS

Claims 1-3, 5-8, and 10-17 are pending in the application. With this response, claims 1, 3, 10, and 11 have been amended. Claim 1 has been amended to recite that the term "y" is 1 to 3, which incorporates the features of claims 1 and 3 as originally filed, and as disclosed in Example 4 of the specification. Claim 3 has been amended to conform in scope to claim 1. Claims 10 and 11 have been amended to correct typographical errors. New claims 16 and 17 have been added to recite the features of claim 3 and of original claim 1. No new matter has been introduced with this amendment.

Claims 1-3, 5-8, and 10-15 stand rejected under 35 U.S.C. §103(a) as unpatentable over Chandra et al., U.S. Patent 4,559,227 ("Chandra") in view of Bhambhani et al., U.S. Patent 6,143,286 ("Bhambhani").

II. REJECTION UNDER 35 U.S.C. §103(A) SHOULD BE WITHDRAWN

Claims 1-3, 5-8, and 10-15 stand rejected under 35 U.S.C. §103(a) as unpatentable over Chandra in view of Bhambhani. Applicants respectfully traverse the rejection and submit the following remarks.

The combination of Chandra and Bhambhani fails to establish a prima facie case of obviousness of the currently pending claims. Under MPEP §§ 2142 and 2143, to establish a case of obviousness, three criteria must be met. First, there must be a suggestion or motivation in the cited references or in the general knowledge of the art to modify the references or combine the teachings of the references. Second, there must be a reasonable expectation for success (i.e., that the proposed modification or combination would work). Third, the proposed combination of references must teach or suggest all of the claim limitations.

Chandra discloses shampoos containing a polysiloxane of general formula $R_{3-z}'Q_zSiO[R_2'SiO]_x[R'QSiO]_ySiQ_zR_{3-z}'$, wherein R' is an alkyl group of 1 to 4 carbons, Q is an amine functionality, z is 0 or 1, y is 0 to 100, and x+y is 50 to 500 (Chandra, col. 5, lines 37-57). The presently claimed polysiloxanes are terminal aminofunctional polysiloxanes (see title and p. 4, lines 23-24 and p. 5, lines 4-10 of the specification). For there to be any overlap between the Chandra and claimed polysiloxanes, y of the Chandra polysiloxane must be 0 and each of the two z's of the Chandra polysiloxane must be 1. However, no example of

Chandra has such a selection from the generic structure disclosed. Each of Examples 1, 2, and 3 has a polysiloxane wherein y is 2 and each z is 0 (Chandra, col. 13, lines 7-10, lines 29-31, and lines 48-51). Table 5 of Chandra also discloses shampoos having aminofunctional polysiloxanes. However, those polysiloxanes lack a terminal amine functionality, but rather have two trimethylsiloxane end groups (Chandra, Table 5, col. 18-19, and col. 18, lines 41-44). Therefore, there is no specific disclosure in Chandra of a polysiloxane having a terminal amino functional group with concomitant improved conditioning properties as disclosed in the current application. There is no suggestion that making such a selection of the Chandra generic polysiloxane formula would result in the improved conditioning properties as disclosed in the current application. In fact, it is this surprising result that the inventors have contributed to the art, i.e., an improved hair conditioning composition that is neither taught nor suggested in Chandra. The new and unexpected results provided by the presently claimed compositions are set forth in the response filed April 15, 2006, incorporated herein by reference. In particular, see page 9 of the April 15, 2006 response.

Furthermore, Bhambhani does not overcome the deficiencies of Chandra. Bhambhani merely discloses hair coloring compositions, and has no disclosure of terminal aminofunctional polysiloxanes, as presently claimed. In particular, the currently claimed polysiloxanes do not overlap the polysiloxanes disclosed in Bhambhani. The polysiloxane formula in col. 9 of Bhambhani lacks any terminal amino group because the polysiloxane has a trimethylsilyl group at each terminal end. Similarly, the polysiloxane of formula I (Bhambhani, col. 10) does not overlap with the currently claimed polysiloxane. Formula I requires a hydroxyl group at each end, whereas the polysiloxane of claim 1 recites alkyl and phenyl as terminal R groups. The polysiloxane of formula II (Bhambhani, col. 10) also does not disclose the currently claimed polysiloxanes. Formula II of Bhambhani does not disclose a polysiloxane having a terminal amino group at each end of the polysiloxane.

In summary, there is no motivation for a person skilled in the art from either Chandra or Bhambhani, or both in combination, to modify those disclosures and arrive at the claimed hair conditioning composition containing the presently recited aminofunctional polysiloxanes having an aminofunctionality at each terminal end. Therefore, it is submitted that the 103(a) rejection can properly be withdrawn.

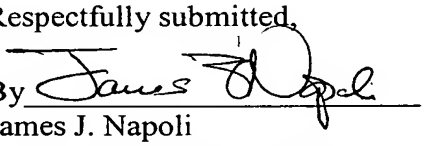
III. CONCLUSION

It is submitted that the claims are now in a form and scope for allowance. An early and favorable action on the merits is respectfully requested.

Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, the examiner is urged to telephone the undersigned at the indicated number.

Dated: October 31, 2006

Respectfully submitted,

By 

James J. Napoli
Registration No.: 32,361
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicants